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10/814,387	03/31/2004	Mihai Florin Ionescu	24207-10091	5527

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EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
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2161

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03/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/814,387	Applicant(s) IONESCU ET AL.	
	Examiner CINDY NGUYEN	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-12,31 and 35-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12,31 and 35-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/07/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is response to amendment filed 12/04/07.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 09/07/07 was filed after the mailing date of the non-final rejection on 08/08/07. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Regarding claim 42, a computer-readable medium that provides instructions. "Computer-readable medium" as defined in the specification (paragraph 0013) includes other form of propagated signals (e.g., transmission device, wired and wireless, etc.); etc. A signal encoded with functional descriptive material does not fall within any of the categories of patentable subject matter. Therefore, claim 42 is not statutory (As set forth in § 101, a claimed signal is clearly not a process under § 101 because it is not a series of steps. A claimed signal

has no physical structure, does not itself perform any useful, concrete and tangible result, and does not fit within the definition of a machine. A claimed signal is not matter, but a form or energy, and therefore is not a composition of matter or product.

Claims 43-60, fully incorporating the deficiencies of their parent claim are likewise rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 10, 12, 35-36, 40-45, 49-50, 52, 53, 61-65, 68-69 and 71 are rejected under 35 U.S.C. 102() as being anticipated by Huang et al. (US 20040003038, hereafter Huang).

Regarding claims 1, 42 and 61 Huang discloses: a method, a computer program product and a system for capturing event data) associated with a plurality of different types of articles generated by a plurality of different client applications (live content of

various events being captured by devices such as video cameras...paragraph 0041, comprising:

Storing a plurality of different event schema, each event schema associated with at least one of the types of articles (i.e., stores information such as judges' list, athletes start lists, schedules, Olympics results, athlete bios, and country profiles as well as any information related to schedules, athletes, officials, weather, results... see paragraph 0041, 0043);

Detecting an event, the event including a user interaction with an article (i.e., deterring how the contents of the tag-based content files will be displayed online by controlling what will be displayed... see paragraph 0042);

Responsive to the event, determining an event schema associated with the type of the article (see paragraph 0046);; and

Storing event data identifying the event and the article using the determined event schema (i.e., each event folder represents a particular type of contest in a program of sports, ... see paragraph 0055).

Regarding claims 2, 43 and 62, all the limitations of these claims have been noted in the rejection of claims 1, 42 and 61 above, respectively. In addition, Huang discloses further comprising transferring the event data to a search application (i.e., message receiver sends the message in the form of a file such as file 612A2-A1 to the event queue ...paragraph 0079 and in response to queries contained in messages received by the queue... paragraph 0081, Huang).

Regarding claims 3, 45 and 64, all the limitations of these claims have been noted in the rejection of claims 1, 42 and 61 above, respectively. Huang discloses further comprising accessing and providing the event data to a requester by a search application in response to a search query submitted by the requester (i.e., the process 700 enters block 788 where the worker thread creates a connection to the database 504 to access stored data... in response to queries contained in messages received by the queue... see paragraph 0081, Huang).

Regarding claims 10 and 65, all the limitations of these claims have been noted in the rejection of claims 1 and 61 above, respectively. In addition, Huang discloses: wherein the event relates to a current user state associated with the application (paragraphs 0084, Huang).

Regarding claims 12, 44 and 63, all the limitations of these claims have been noted in the rejection of claims 2, 43 and 62 above, respectively. In addition, Huang discloses: wherein the event data is transferred using one or a combination of the following information exchange mechanisms: Extensible Markup Language-Remote Procedure Calling Protocol (XML/RPC), Hypertext Transfer Protocol (HTTP), Simple Object Access Protocol (SOAP), Shared memory, sockets, local or remote procedure calling (see paragraph 0043, 0044, Huang).

Regarding claims 35, 49 and 68, all the limitations of these claims have been noted in the rejection of claims 1, 42 and 61 above, respectively. In addition, Huang discloses: wherein the event schema describes the format of an event, the format comprising fields for at least one of event data associated with the event, an article

associated with the event, or the content of the article (i.e., one suitable format includes UTF-8 encoded data written in a customizable, tag-based language... see paragraph, 0043, lines 5-18, Huang).

Regarding claims 36, 50 and 69, all the limitations of these claims have been noted in the rejection of claims 1, 42 and 61 above, respectively. In addition, Huang discloses: wherein the event is a real-time event (i.e., different events that contain both stabile content and live content, see paragraph 0043, Huang).

Regarding claims 40, 52 and 71, all the limitations of these claims have been noted in the rejection of claims 1, 42 and 61 above, respectively. In addition, Huang discloses: wherein the event is a historical event, the event having occurred in the past (i.e., the logging service 418 contains a history of the processing transactions performed by other service... see paragraph 0042, 0055, Huang)

Regarding claims 41, 53 and 72, all the limitations of these claims have been noted in the rejection of claims 1, 42 and 61 above, respectively. In addition, Huang discloses: wherein storing further comprises storing associations between related events (see paragraph 0055, Huang).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-9, 11, 38, 39, 47, 54—60, 66 and 73-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (US 20040003038) in view of Cotton et al. (US 7016919) (hereafter Cotton).

Regarding claims 5, 55 and 74, all the limitations of these claims have been noted in the rejection of claims 1, 42 and 61 above, respectively. However, Huang didn't disclose: discloses: wherein determining the event schema comprises accessing a registered event schema . On the other hand, Cotton disclose: wherein determining the event schema comprises accessing a registered event schema (i.e., each event is stored with a time stamp, and a traceability report can be generated based on the events, thereby creating a history of all events that have occurred with regard to the data, col. 4, lines 34-37, Cotton).

Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include wherein determining the event schema comprises accessing a registered event schema in the system of Huang as taught by Cotton. The motivation being to enable the system provides an application adapted to run within an enterprise wide web-based framework include a schema requiring predefined types of meta-data to be marked up

with new data to be submitted to the framework and generating an event each time new data is submitted and generating new versions of the data are entered into the application, thereby creating a history of all events that have occurred with regard to the data (col. 4, lines 30-59, Cotton).

Regarding claims 6, 54 and 73, all the limitations of these claims have been noted in the rejection of claims 1, 42 and 61 above, respectively. In addition, Huang/Cotton discloses: wherein each event schema indicates information to be captured for at least one application adapted to access or manipulate the article associated with the event schema (col. 3, lines 62 to col. 4, lines 59, Cotton). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include the wherein each event schema indicates information to be captured for at least one application adapted to access or manipulate the article associated with the event schema in the system of Huang as taught by Cotton. The motivation being to enable the system provides an application adapted to run within an enterprise wide web-based framework include a schema requiring predefined types of meta-data to be marked up with new data to be submitted to the framework and generating an event each time new data is submitted and generating new versions of the data are entered into the application, thereby creating a history of all events that have occurred with regard to the data (col. 4, lines 30-59, Cotton).

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Regarding claims 7, 56 and 75, all the limitations of these claims have been noted in the rejection of claims 5, 55 and 74 above, respectively. In addition, Huang/Cotton discloses:

wherein the registered event schema is an extension of another registered event schema (col. 14, lines 52-66, Cotton). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include t the registered event schema is an extension of another registered event schema in the system of Huang as taught by Cotton. The motivation being to enable the system provides integrity and traceability of the data managed and prevents tampering with data once it has been entered (col. 14, lines 52-66, Cotton).

Regarding claims 8, 57 and 76, all the limitations of these claims have been noted in the rejection of claims 5, 55 and 74 above, respectively. In addition, Huang/Cotton discloses: wherein at least one registered event schema has multiple versions (col. 6, lines 30-37, Cotton). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include the registered event schema has different versions in the system of Huang as taught by Cotton. The motivation being to enable the method to generate an event each time new data is submitted and generating new versions of the data are entered into the application, thereby creating a history of all events that have occurred with regard to the data (col. 4, lines 30-59, Cotton).

Regarding claims 9, 58 and 77, all the limitations of these claims have been noted in the rejection of claims 5, 55 and 74 above, respectively. In addition, Huang/Cotton discloses: wherein at least one registered event schema is an extension of a predefined base event schema provided by a search application (col. 6, lines 30-37, Cotton). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to

include the registered event schema is an extension of a predefined base event schema provided by a search application in the system of Huang as taught by Cotton. The motivation being to enable the method to generate an event each time new data is submitted and generating new versions of the data are entered into the application, thereby creating a history of all events that have occurred with regard to the data (col. 4, lines 30-59, Cotton).

Regarding claims 11, 47 and 66, all the limitations of these claims have been noted in the rejection of claims 1, 42 and 61 above, respectively. In addition, Huang/Cotton discloses: wherein determining an event schema comprises registering a new event (i.e. each event is stored with a time stamp, and a traceability report can be generated based on the events, thereby creating a history of all events that have occurred with regard to the data, col. 4, lines 34-37; generating an event each time new data is submitted and each time annotations, alterations, or new versions of the data are entered into the application, col. 4, lines 50-55, Cotton).

Regarding claims 38, 59 and 78, all the limitations of these claims have been noted in the rejection of claims 5, 55, 74 above, respectively. In addition, Huang discloses: wherein the registered event schema further comprises a schema identifier (see paragraph 0055, Huang), and wherein the schema identifier and schema are stored in a searchable database (0081, Huang).

Regarding claims 39, 60 and 79, all the limitations of these claims have been noted in the rejection of claims 5, 55 and 74 above, respectively. In addition, Huang discloses: wherein the registered event schema is configured to allow a search application to determine types of event data associated with an event (see paragraph 0046, Huang).

Regarding claims 31, 37, 48, 51, 67 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (US 20040003038) in view of Schumacher et al. (US 6532023) (hereafter Schemacher).

Regarding claims 31, 48 and 67, all the limitations of these claims have been noted in the rejection of claims 1, 42 and 61 above, respectively. However, Huang didn't disclose: placing the event data in a queue and indexing the event data responsive to its position in the queue, the event data in the format described by one of a plurality of event schemas. On the other hand, Schemacher discloses: further comprising placing the event data in a queue (i.e., queued event 140 is queued in automator queue 106, col. 6, lines 52-55, Schemacher) and indexing the event data responsive to its position in the queue, the event data in the format described by one of a plurality of event schemas (i.e., index 144, col. 7, lines 20-25, Schemacher). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include queue and indexing the event data in the system of Huang as taught by Schemacher. The motivation being to contemplate the emulation of a sequence of events in which the storing and retrieval of queued event objects is facilitated through the use of an index to a component vector (col. 2, lines 30-34, Schemacher).

Regarding claims 37, 51, 70, all the limitations of these claims have been noted in the rejection of claims 36, 50 and 69, respectively. In addition, Huang/Schumacher discloses: wherein the real-time event is selectively indexed by a search application (i.e., index 144, col. 7, lines 20-25, Schemacher). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include queue and indexing the event data in the system of Huang as taught by Schemacher. The motivation being to contemplate the emulation of a sequence of events in which the storing and retrieval of queued event objects is facilitated through the use of an index to a component vector (col. 2, lines 30-34, Schemacher).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cindy Nguyen

/C. N./

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Examiner, Art Unit 2161

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161